

REMARKS/ARGUMENTS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments, and the following remarks.

The claims are 1-2. Claim 1 has been amended to more clearly define the invention. Support for the amendments to claim 1 may be found, *inter alia*, in drawing FIGS. 1 and 4 of the disclosure as filed. No new matter has been introduced.

Claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,161,254 to Montagner in view of U.S. Patent No. 6,505,933 to Schuchard et al. The remaining claim 2 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Montagner and Schuchard et al. and further in view of U.S. Patent No. 6,152,562 to Montalban.

The rejections are respectfully traversed.

As set forth in claim 1 as amended, Applicant's invention provides a spring hinge for spectacles including a hinge part

which is held in a displaceable manner in the longitudinal direction of a temple in a housing on the temple side, a fixture which projects from the hinge part in the direction of displacement, engages in an opening in the housing and includes a fixture rod and a transversal bar at the end of the fixture rod, and two helical springs which are provided laterally adjacent to the fixture rod, are parallel thereto and rest with their end at a hinge side on an abutment associated with the housing and with their opposite end on the transversal bar of the fixture.

As further recited in claim 1 as amended, each of the two helical springs is axially inserted separately into a respective one of two separate cylindrical housing bores. Each of the two separate cylindrical housing bores is open towards the housing opening for the fixture rod. Moreover, each of the two separate cylindrical housing bores extends up to a face side of the housing on the hinge side for receiving a respective one of the two helical springs after the housing is attached to the temple. Each of the two separate cylindrical housing bores receive a respective one of two locking elements, each forming the abutment for a respective one of the two helical springs.

In this way, Applicant's invention provides a spring hinge for spectacles that enables insertion of the hinge part with the fixture and the two helical springs after the housing is attached to the temple.

It is respectfully submitted that the cited references fail to teach or suggest a spring hinge for spectacles having the structure set forth in Applicant's claim 1 as amended. Moreover, the cited references, considered alone or in combination, fail to achieve the substantial benefits resulting from Applicant's claimed structure.

In particular, the Examiner has taken the position that *Schuchard et al.* shows a closure piece 11 that can also be inserted axially into the housing bore 2, which accommodates a helical spring 10. Although *Schuchard et al.* fails to show the arrangement of two helical springs as set forth in Applicant's claim 1, the primary reference to *Montagner* was said to show two helical springs provided laterally adjacent to a fixture rod 6, parallel thereto and inserted into a housing bore (FIG. 6, 1').

In the Examiner's view, it would have been obvious to one of ordinary skill in the art to provide the device according to *Montagner* with the closure piece known from *Schuchard et al.* which can be inserted in the axial direction.

Applicant respectfully submits that even if the proposed hypothetical combination of *Montagner* and *Schuchard et al.* were made, one would not achieve the arrangement as recited in Applicant's claim 1 as amended, and the resulting device would not provide the advantages associated with Applicant's claimed arrangement.

In particular, if *Montagner* were modified to include the features taught by *Schuchard et al.* in the manner proposed by the Examiner, then a common closure piece for the two springs 6 disposed on the anchor rod 3 would be provided in the *Montagner* device. This would require a housing opening on the face side corresponding to a single closure piece extending over both of the helical springs 6. This structure is in contrast to the arrangement recited in Applicant's amended claim 1, wherein:

each of the two helical springs (10) is axially inserted separately into a respective one of two separate cylindrical housing bores (9)

and wherein each of the two separate cylindrical housing bores (9) receives a respective one of two locking elements (11), each forming the abutment for a respective one of the two helical springs.

The feature of two helical springs (10) each being axially inserted separately into a respective one of two separate cylindrical housing bores (9), each of which receive a respective one of two locking elements (11) for forming an abutment, as recited in Applicant's amended claim 1, cannot be derived from either *Schuchard et al.* or *Montagner*.

As set forth in claim 1 as amended, Applicant's spring hinge includes two separate cylindrical housing bores for the two helical springs. This is a clear difference from the teaching of *Montagner*, which provides only a single common housing opening for the two helical springs. Only by providing two separate cylindrical housing bores (9), as recited in Applicant's amended claim 1, is it possible for each of the two locking elements (11) to be inserted into the respective housing bores to act as an

abutment or counter-bearing for the respective helical spring (10).

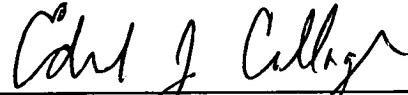
Schuchard et al. at most teaches the use of a single closure piece 11 through which the anchor rod 3 passes. It is respectfully submitted there is nothing to indicate that one of ordinary skill in the art would modify the *Montagner* device to include two separate cylindrical housing bores for accommodating the two cylindrical springs. Without knowledge of Applicant's arrangement, the combined teachings of *Montagner* and *Schuchard et al.* would not provide any indication for the design as set forth in Applicant's amended claim 1.

The remaining reference to *Montalban*, which has been cited with respect to claim 2, has been considered but is believed to be no more relevant. *Montalban* simply discloses an elastic hinge for eyeglasses having an annular locking element 24, which can be threaded from the free end of the temple 11 and can slide freely along the smaller region 32 of the temple 11. There is no disclosure or suggestion in *Montalban* of a spring hinge for spectacles having the structure recited in Applicant's amended claim 1 or the benefits achieved by that structure.

Accordingly, it is respectfully submitted that claim 1 as amended, together with claim 2 which depends thereon, recites patentable and unobvious subject matter.

In summary, claim 1 has been amended. In view of the foregoing, it is respectfully requested that the claims be allowed and that this application be passed to issue.

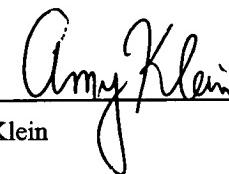
Respectfully submitted,
Harald BUCHEGGER



Frederick J. Dorchak, Reg. No. 29,298
Edward J. Callaghan, Reg. No. 46,594
Attorneys for Applicant

COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 30, 2009.



Amy Klein

R:\Patents\B\BUCHEGGER-1 PCT\Amendment to 7-31-09 oa.wpd